



FH [REDACTED]

**STATE OF WISCONSIN  
Division of Hearings and Appeals**

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED] DECISION

MAP/160056

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**PRELIMINARY RECITALS**

Pursuant to a petition filed August 20, 2014, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03, to review a decision by the Milwaukee Enrollment Services in regard to Medical Assistance, a hearing was held on September 23, 2014, at Milwaukee, Wisconsin.

The issue for determination is whether the agency correctly denied Petitioner's application for the Medicaid Purchase Plan ([MAPP](#)).

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

Respondent:

Department of Health Services  
1 West Wilson Street, Room 651  
Madison, Wisconsin 53703

By: Simone Johnson

Milwaukee Enrollment Services  
1220 W Vliet St, Room 106  
Milwaukee, WI 53205

**ADMINISTRATIVE LAW JUDGE:**

Corinne Balter

Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. Petitioner's household size is 1.
3. Petitioner's monthly gross income is \$1,056.
4. Petitioner's assets consist of an IRA valued at \$16,357.08, a savings account valued at \$38.68, and a checking account valued at \$2697.07. Petitioner has a 2009 Scion valued at \$8792.00, but that is not an asset.

5. On August 14, 2014 Petitioner applied for the Medicaid Purchase Plan (MAPP).
6. On August 14, 2014 the agency denied Petitioner's MAPP application because Petitioner's assets were over the \$15,000 asset limit and Petitioner was not working.
7. On August 22, 2014 the Division of Hearings and Appeals received Petitioner's request for fair hearing.

### DISCUSSION

The Medicaid Purchase Plan (MAPP) is a subprogram of the Wisconsin Medicaid Program. It allows disabled adults who are working or want to work to become or remain Medicaid eligible, even if employed, since there are higher income limits. *MA Eligibility Handbook (MEH)*, §26.1. One of the nonfinancial criteria for MAPP eligibility is that the person must be "working in a paid position" or receiving HEC counseling. *Id.* §26.3.1.

The Department's policy manual does not require a cash payment as a condition of characterizing a job as working in a paid position:

26.3.3 Work Requirement

To meet the work requirement, a member must engage in a work activity at least once per month, or be enrolled in a Health and Employment Counseling (HEC) program (See 26.3.4 Work Requirement Exemption). Consider a member to be working whenever s/he receives something of value as compensation for his/her work activity.

This includes wages or in-kind payments. The exceptions are loans, gifts, awards, prizes, and reimbursement for expenses.

*Id.*, §26.3.3, viewable online at <http://www.emhandbooks.wi.gov/meh/>. The state code provision on MAPP eligibility simply says that the recipient must be "employed." Wis. Admin. Code §HFS 103.03(1)(g)1.

In this case Petitioner testified that due to her age and elderly status, she was unable to work. After the hearing, Petitioner called the undersigned ALJ and left a voicemail stating that at one point she helped clean a friend's filthy house for \$40 when the friend traveled to another country. She stated that the friend tried to grope her, and at that point she no longer continued to help this friend. The undersigned ALJ never called Petitioner back as the message was after the hearing had closed and involved facts at issue during the hearing. Even if Petitioner helped out her ex-friend, this is not a consistent work activity that occurred once per month. In addition, Petitioner stated that this activity had ended. Therefore, Petitioner does not meet the work requirement for the MAPP program.

In addition, to a work requirement MAPP also has an asset limit. The asset limit for MAPP is \$15,000. (*MEH*), §26.4.1. An IRA is considered an asset if a person has access to that asset. (*MEH*), §16.7.21. For example if a person has an IRA, but there is a penalty for an early withdrawal, the amount of the IRA minus the early withdrawal penalty is the calculated value of the asset. *Id.*

At the time of application Petitioner had an IRA valued at \$16,357.08. She also had a checking account valued at \$2,697.07. At the hearing Petitioner testified that her IRA was down to \$12,894.22 as she uses money from her IRA for her living expenses. Regardless, at the time of application and hearing Petitioner's total assets were over the \$15,000 asset limit for MAPP. I further note that even if Petitioner was able to meet this asset limit, she still does not meet the non-financial work requirement of this program.

Petitioner's monthly gross income was reported and verified at \$1,056 from social security. If Petitioner is depleting her IRA, assuming the IRA is not a ROTH IRA, the money from the IRA would increase her monthly gross income. At the time of application, Petitioner was income eligible for MAPP, but did not meet the other financial and non-financial eligibility requirements as discussed above. Petitioner can always reapply for MAPP in the future if she thinks she meets the eligibility requirements.

**CONCLUSIONS OF LAW**

The agency correctly denied Petitioner's application for MAPP benefits.

**THEREFORE, it is**

**ORDERED**

That the petition is dismissed.

**REQUEST FOR A REHEARING**

This is a final administrative decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a rehearing. You may also ask for a rehearing if you have found new evidence which would change the decision. Your request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

To ask for a rehearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy of your request to the other people named in this decision as "PARTIES IN INTEREST." Your request for a rehearing must be received no later than 20 days after the date of the decision. Late requests cannot be granted.

The process for asking for a rehearing is in Wis. Stat. § 227.49. A copy of the statutes can be found at your local library or courthouse.

**APPEAL TO COURT**

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be served and filed with the appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

For purposes of appeal to circuit court, the Respondent in this matter is the Department of Health Services. After filing the appeal with the appropriate court, it must be served on the Secretary of that Department, either personally or by certified mail. The address of the Department is: 1 West Wilson Street, Room 651, Madison, Wisconsin 53703. A copy should also be sent to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for appeals to the Circuit Court is in Wis. Stat. §§ 227.52 and 227.53.

Given under my hand at the City of Milwaukee,  
Wisconsin, this 3rd day of October, 2014

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\sCorinne Balter  
Administrative Law Judge  
Division of Hearings and Appeals



**State of Wisconsin\DIVISION OF HEARINGS AND APPEALS**

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The preceding decision was sent to the following parties on October 3, 2014.

Milwaukee Enrollment Services  
Division of Health Care Access and Accountability